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ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION****UNITED STATES OF AMERICA****CRIMINAL NO. 02-30043-06****VERSUS****JUDGE ROBERT G. JAMES****THOMAS EARL NATION****MAG. JUDGE KAREN L. HAYES****J U D G M E N T**

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence [Doc. No. 635] is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit for a determination whether the successive petition should be allowed.

MONROE, LOUISIANA, this 3 day of October, 2008.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE